

The Examiner has objected to the Abstract. The Applicant has amended the Abstract to overcome the Examiner's objection. Accordingly, withdrawal of the objection is respectfully requested.

The Examiner has rejected claims 23-44, under 35 U.S.C. 102, as being unpatentable over U.S. Patent No. 5,808,558 to Meek. Applicant respectfully disagrees.

The electronic hand metering device, according to the invention, is able to work completely **independent** of an external computer. The computer and hand metering device must only be temporarily connected via the data interfaces to change the parameters, routines, programs respectively programming parts stored in the non-volatile write-read memory. After the change of data, the electronic hand metering may again work independently from the external computer based on the actual data.

The claims have been further amended to clarify this distinction. Meek neither anticipates nor renders obvious the invention as recited in the claims as currently pending.

A rejection based on 35 U.S.C. §102, as in the present case, requires that the cited reference disclose each and every element covered by the claim. Electro Medical Systems S.A. v. Cooper Life Sciences Inc., 32 U.S.P.Q.2d 1017, 1019 (Fed. Cir. 1994); Lewmar Marine Inc. v. Barient Inc., 3 U.S.P.Q.2d 1766, 1767-68 (Fed. Cir. 1987); Verdegaal Bros., Inc. v. Union Oil. Co., 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). The Federal Circuit has mandated that 35 U.S.C. §102 requires no less than "complete anticipation . . . [a]nticipation requires that presence in a single prior art disclosure of all elements of a claimed invention arranged as in the claim." Connell v. Sears, Roebuck & Co., 220 U.S.P.Q. 193, 198 (Fed. Cir. 1983); See also, Electro Medical Systems, 32 U.S.P.Q. 2d at 1019; Verdegaal Bros. 2 U.S.P.Q. 2d at 1053.

In view of the above, it is respectfully submitted that Meek does not disclose, teach or otherwise suggest the present invention, as defined by independent claims 23 and 27 and claims 24-26, and 45 and 28-44 and 46-47 that depend therefrom respectively . In view of the above, it is respectfully submitted that such claims are patentably distinct over Meek. Accordingly, Applicant respectfully requests withdrawal of the rejection to such claims under 35 U.S.C. 102.

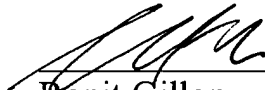
### **CONCLUSION**

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance, and allowance of the application is respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects, in order to place the case in condition for final allowance, then it is respectfully requested that such amendment or correction be carried out by Examiner's amendment and the case passed to issue.

Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

  
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Dated: December 29, 2003  
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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail and addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on, DC 20231 on December 29, 2003.

